



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 20, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben  
Assistant Attorney General

SUBJECT: Weekly Report for March 20, 2000 - March 24, 2000

KEY ISSUES

**House Appropriations Hearings:** The House Appropriations Committee's Subcommittee on Commerce, Justice, State and the Judiciary (Rogers, Chair) continues its hearings on the FY 2001 budget request. On March 22, INS Commissioner Doris Meissner will testify on behalf of the Service's FY 2001 budget. On March 23, Donnie Marshall, Acting Administrator of the Drug Enforcement Administration, Mary Murguia, Director of the Executive Office of U.S. Attorneys, and Criminal Division's Assistant Attorney General James Robinson are also scheduled for testimony before the Subcommittee. (Daley)

**Lamar Smith Subpoena:** On March 20, staff from the Justice Management Division (JMD), INS and the Office of Legislative Affairs briefed Chairman Lamar Smith's staff regarding data anomalies that suggest INS may have over counted the number of recidivist criminal aliens in response to Chairman Smith's subpoena. Smith's staff was pleased that the Department is bringing in an outside firm to audit and verify INS' results. JMD also briefed Chairman Rogers and Ranking Minority Member Serrano on this issue. (First)

**Sale of Fetal Tissue:** In the past two weeks, the Department has obtained specific information from Congress and from a report aired by ABC's 20/20, that a violation of federal law banning the sale of fetal tissue may have occurred. Thus, the FBI, in cooperation with the U.S. Attorney's offices in Kansas and Missouri, is actively investigating this matter to determine if federal laws were violated and whether there is sufficient evidence to support a prosecution. Previously, on March 9, the House Commerce Subcommittee on Health and Environment (Bilirakis, Chair) held an investigative hearing on whether fetal tissue has been sold in violation of federal law. Based upon witness testimony, information reported by 20/20 on March 8 and other information, the Subcommittee requested that the Department open an investigation into allegations that certain entities identified by the Subcommittee sold fetal tissue for profit in violation of law. (Ho)

**Nominations:** DEA's Acting Administrator Donnie Marshall has courtesy visits with Senators Feinstein and Kyl this week; Acting Assistant Attorney General for the Civil Division David Ogden has a courtesy visit with Senator Hatch this week. Staff from the Office of Legislative Affairs will accompany the nominees to these meetings. We have been advised that there will be a hearing on judicial nominations on March 23. (Scott-Finan)

### THE WEEK AHEAD

**INS Restructuring:** The House Immigration Subcommittee (Lamar Smith, Chair) is scheduled to consider H.R. 3918, which is identical to the Rogers/Smith/Reyes bill introduced last year to split INS into a Bureau of Enforcement and a Bureau of Services, with no senior official to coordinate the Bureaus. The Department opposes this approach. A views letter on this bill is circulating. (First)

**Asbestos:** The House Judiciary Committee passed H.R. 1283, the Asbestos Compensation Legislation, by a vote of 18-15. House Democrats believed they had the votes to kill the bill, but were unable to get all of their members in time for the quick vote taken at exactly 10:30. Republican Representatives Graham and Scarborough voted against the bill; Democratic Representatives Weiner and Waters missed the vote; and Representatives Goodlatte and Gallegly did not vote. The bill may come to the floor as early as this week. (Wilson)

**Superfund:** On March 21, the Superfund, Waste Control and Risk Assessment Subcommittee (Chafee, Chair) of the Senate Environment and Public Works Committee, will hold a hearing on the current status of cleanup activities under the Superfund Program. Environment and Natural Resources Division's Assistant Attorney General Lois Schiffer will testify before the Subcommittee. (Pearlman)

**Introduction of Firearms Bills:** On March 21, we anticipate that Congresswoman Carolyn McCarthy (D-NY) will introduce a comprehensive firearms enforcement bill. We understand that Congressman Bill McCollum (R-FL) may introduce a firearms enforcement bill on the same day. (Graupensperger)

**Senses of the Senate on Firearms Issues:** On March 22, the Senate Budget Committee (Domenici, Chair) will begin marking up the budget resolution for FY 2001. We anticipate that Minority Senators will offer senses of the Senate Resolutions concerning firearms issues, such as urging completion of the Conference on juvenile justice and guns bill by April 20, and supporting the Administration's budget request for firearms enforcement funds. (Graupensperger)

**Partial Birth Abortion:** On March 22, the House Judiciary Committee (Hyde, Chair) is scheduled to consider H.R. 3660, the Partial Birth Abortion Act of 2000. The Administration opposes this bill, and has issued veto threats on similar bills in the past. The bill is expected to pass the Judiciary Committee and be considered by the full House before the April recess. (First)

**Antitrust Hearings:** On March 22, the Antitrust Division's Deputy Assistant Attorney General John Nannes will testify before the House Judiciary Committee on Chairman Hyde's legislation to repeal the antitrust exemption for ocean carriers. Later in the day, Assistant Attorney General

Joel Klein will testify before the Business Rights and Competition Subcommittee (DeWine, Chair) of the Senate Judiciary Committee, at an oversight hearing on antitrust enforcement. (Slover)

**Meeting with Congressman Weiner on DNA Issues:** On March 22, representatives of the Office of Justice Programs and the Office of Legislative Affairs will meet with Congressman Weiner (D-NY) concerning allocation of FY 2000 funds to states for DNA sample collection and processing. (Graupensperger)

**Hearings on DNA Bills:** On March 23, the House Judiciary Committee's Crime Subcommittee (McCollum, Chair) will conduct a hearing about bills concerning the backlog of DNA samples in the states. (Graupensperger)

**VAWA Reauthorization:** Staff from the Office of Legislative Affairs and the Violence Against Women's Office are scheduled to meet with Representative Tammy Baldwin on March 23 to discuss VAWA reauthorization. Representative Baldwin has expressed interest in being the lead on this issue in the House Judiciary Committee. Members of Representatives Conyers' and Morella's staffs will attend as well. (First)

**Meeting with Chairman Hyde's Staff on Reentry:** On March 24, representatives of the Office of the Associate Attorney General, the Office of Justice Programs and the Office of Legislative Affairs will meet with staff of Chairman Hyde concerning reentry of convicted offenders back into communities. (Graupensperger)

**Racial Profiling:** On March 30, the Constitution, Federalism and Property Rights Subcommittee (Ashcroft, Chair) of the Senate Judiciary Committee, will hold a hearing on the practice of racial profiling by police departments. Victims and law enforcement representatives are being invited to testify at this hearing. (Scott-Finan)

**Bureau of Prisons Oversight:** The Criminal Justice Oversight Subcommittee (Thurmond, Chair) of the Senate Judiciary Committee, plans to hold an oversight hearing on the Bureau of Prisons on April 4. The Committee will consider issues related to the GAO report on prison health care issues and the Department's Inspector General's Report on the Bureau's phone system. (Scott-Finan)

## THE WEEK IN REVIEW

**H-1B Visas:** Representative Dreier introduced an H-1B bill this past week that increases the visa cap to 200,000 for the next three years. (First)

**Pardon Attorney:** On March 20, staff from the Office of Legislative Affairs accompanied the Pardon Attorney Roger Adams to his briefing of staff for Congressman Marty Meehan on the pardon process. (Scott-Finan)

**Firearms Briefing:** On March 20, representatives of the Deputy Attorney General's Office and the Office of Legislative Affairs met with staff of Minority Members of the Senate concerning enforcement of firearms laws. (Graupensperger)

**Drugs in Hawaii:** On March 20, the Criminal Justice, Drug Policy and Human Resources Subcommittee (Mica, Chair) of the House Government Reform Committee, held a field hearing on drug challenges in Hawaii in Honolulu. The U.S. Attorney for Hawaii was invited to testify, as well as a representative of the Drug Enforcement Administration. (Scott-Finan)

**Medical Co-Pay:** On March 16, the Crime Subcommittee (McCollum, Chair) of the House Judiciary Committee, approved H.R. 1349, a bill to combat the over-utilization of prison health care services and to control rising prisoner health care costs, after approving an amendment by Chairman McCollum to conform the House bill to the Senate measure and reduce the copay fee from \$2 to \$1. The Committee also approved an amendment by Congressman Bobby Scott which would require that an itemization of the cost of implementing and administering the program, and a description of the current inmate health status indicators as compared to the year prior to enactment, be included in a report to Congress. (Scott-Finan)

**Markup of Presidential Threat Protection Act:** On March 16, the Crime Subcommittee (McCollum, Chair) of the House Judiciary Committee, approved H.R. 3048, a bill that would, among other things, provide limited administrative subpoena authority to the Secret Service. (Graupensperger)

**Motion to Instruct Conferees:** On March 15, the House passed by a vote of 215-208, a motion to instruct their conferees on H.R. 1501, the Juvenile Justice and Firearms Legislation, to hold a substantive meeting of the Conference within two weeks. This motion is not binding.

**Civil Rights Division:** On March 15, staff from the Office of Legislative Affairs met with Civil Rights Division staff and White House Counsel's Office to discuss strategy for hate crimes legislation for this session of Congress.

On March 16, staff from the Office of Legislative Affairs and the Civil Rights Division met with Congressman Bennie Thompson to hear his concerns about the Division's review of the Mississippi State statute which creates business development districts.

On March 17, staff from the Office of Legislative Affairs and the Civil Rights Division, including Acting Assistant Attorney General Bill Lann Lee, met with minority staff for the Senate Judiciary Committee to discuss the Division's legislative priorities for this Congress. (Scott-Finan)